



County of Yolo

HEALTH DEPARTMENT

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Deficiency Progress Report – Update 5

Report Submitted: June 11, 2010

CUPA: Yolo County Environmental Health

Evaluation Date: August 19 and 20, 2008

Evaluation Team:

Kareem Taylor, Cal/EPA
Mark Pear, DTSC
Jeff Tkach, CalEMA (formerly OES)
Marci Christofferson, SWRCB
Francis Mateo, OSFM

Corrected Deficiencies: 3, 4, 5, 6

Next Progress Report (Update 6) Due: September 28, 2010

Please update the deficiencies below that remain outstanding.

1. **Deficiency:** The CUPA does not review its Inspection and Enforcement (I and E) plan annually.

Preliminary Corrective Actions: By February 20, 2009, the CUPA will review its I and E plan and update it as needed.

Along with the second progress report, submit the updated I and E plan to Cal/EPA.

[Corrective Action due date has been extended to: June 30, 2010]

CUPA's 1st Update (11-17-08): To be reviewed and submitted as described above.

Cal/EPA's 1st Response: Cal/EPA will review the CUPA's updated I and E plan along with the 2nd progress report.

CUPA's 2nd Update (3-20-09): Review underway, update not complete.

Cal/EPA's 2nd Response: Cal/EPA will review the CUPA's updated I and E plan along with the 3rd progress report.

CUPA's 3rd Update (6-19-09): The CUPA has reviewed the Inspection and Enforcement plan and found it to be fairly outdated. The plan is being simplified and rewritten. A copy of the rewritten plan will be submitted to CalEPA by July 10, 2009.

Cal/EPA's 3rd Response: Please submit the CUPA's updated I and E plan by August 6, 2009.

CUPA's 4th Update (1-28-10): After recent conversation with CalEPA staff, the CUPA has made the decision to reallocate resources from inspection and enforcement activities to completing the review and update of the Inspection and Enforcement plan. A copy of the updated plan will be submitted to CalEPA upon completion, which should be by mid-March.

Cal/EPA's 4th Response: Please submit the CUPA's updated Inspection and Enforcement Plan along with the next progress report. The corrective action due date has been extended to June 30, 2010.

CUPA's 5th Update (6-11-10): The CUPA has drafted an updated Inspection and Enforcement Plan, including a Participating Agency Inspection Policy. The drafts are under review and are being put in final form. Attached to this update are the current drafts, expected to be final in August.

Cal/EPA's 5th Response: Cal/EPA appreciates the effort involved to review and update the CUPA's I and E Plan. Please correct some of the problems noted in the attached document. This deficiency will be considered corrected after the final I and E Plan is submitted to Cal/EPA and reviewed for approval.

CUPA's 6th Update: Enter Update Here

2. **Deficiency:** CUPA has not reviewed their Area Plan (2001) within the last 36 months and made any necessary changes. This is a carry over deficiency from the CUPA's previous evaluation in 2006.

Preliminary Corrective Actions: By August 20, 2009, the CUPA will conduct a complete review of their Area Plan and make any necessary changes.

Upon completion of the review the CUPA will submit their Area Plan to the State OES for review.

[Corrective Action due date has been extended to: February 22, 2010]

[Corrective Action due date has been extended to: June 30, 2010]

CUPA's 1st Update (11-17-08): To be reviewed and submitted as described above.

Cal/EPA's 1st Response: Please refer to OES's response.

- **OES's Response:** The CUPA shall continue to make progress towards correcting this deficiency.

CUPA's 2nd Update (3-20-09): To be reviewed and submitted as described above.

Cal/EPA's 2nd Response: Please refer to Cal EMA's response.

- **Cal EMA's Response:** The CUPA shall continue to make progress towards correcting this deficiency. In the next progress report the CUPA shall report on the progress of the Area Plan review as well as an estimated time of completion.

CUPA's 3rd Update (6-19-09): Progress is slow, and the CUPA hesitates to even estimate a completion time. The CUPA will call and discuss with CalEPA.

Cal/EPA's 3rd Response: Cal/EPA and Cal EMA have decided to extend the correction due date for this deficiency from August 20, 2009 to February 22, 2010. Cal EMA has expressed concern due to the fact that this deficiency has been outstanding since the February 1, 2006 CUPA evaluation and no significant progress has been made to correct it. Cal EMA would like the CUPA to place a higher priority in reviewing and updating the Area Plan. Also, remember to include the Pesticide Drift elements into the Area Plan. Please contact Jack Harrah with Cal EMA at 916-845-8759 if you have questions.

CUPA's 4th Update (1-28-10): The staff allocated to the Inspection and Enforcement Plan will, upon completion, be tasked with the Area Plan update. The draft will be available for review by the cities, county, and CalEPA before the end of the fiscal year.

It should be mentioned that update of the Inspection and Enforcement Plan and the Area Plan will result in less inspections and enforcement in Yolo county for a period of time. Current and likely future cutbacks to the Yolo County Health department will make these goals challenging.

Cal/EPA's 4th Response: Please submit the Area Plan to Cal/EPA by June 30, 2010. The corrective action due date has been extended to June 30, 2010.

CUPA's 5th Update (6-11-10): The response from 1-28-10 is still accurate. We do not currently have the resources to work on both the Area Plan and the Inspection and Enforcement plan simultaneously. Portions of the Area Plan have been parceled out to staff to be worked on in June and July, with additional resources to be allocated in August, after completion of the I and E plan.

Cal/EPA's 5th Response: Please refer to Cal EMA's response.

- **Cal EMA's Response:** The CUPA shall continue to make progress towards correcting this deficiency. In the next progress report, the CUPA will report on the progress of the Area Plan review, as well as, an estimated time of completion.

CUPA's 6th Update: Enter Update Here

3. **Deficiency:** CUPA has not performed an annual CalARP self audit in compliance with Title 19.

Preliminary Corrective Actions: By November 20, 2008, the CUPA will perform a self audit of their CalARP program which is in compliance with Title 19, Section 2780.5.

By November 20, 2008, the CUPA will submit its CalARP audit to Cal/EPA. The CUPA has the option to include the CalARP self audit elements into their Title 27 self audit.

CUPA's 1st Update (11-17-08): The CalARP audit for FY 07/08 is attached to this update. Future CalARP audits will be included in the annual CUPA self-audit.

Cal/EPA's 1st Response: Cal/EPA and OES consider this deficiency corrected.

4. **Deficiency:** The CUPA has not maintained the state mandated triennial inspection frequencies for CalARP facilities. Of the 12 CalARP facilities in the CUPA's jurisdiction, all but 2 have been inspected within the last 3 years.

Preliminary Corrective Actions: By February 20, 2009, the CUPA will perform inspections on the 2 remaining CalARP facilities. The state mandated inspection frequency for CalARP facilities will be met when the CUPA completes the 2 inspections.

CUPA's 1st Update (11-17-08): The CUPA has inspected the two facilities that were overdue. The City of West Sacramento Bryte Bend WTP (FA0005375) was inspected on 10/2/2008, and Nor-Cal Beverage (FA0000265) was inspected on 10/23/2008. We have one new facility, Raley's Production Bakery (FA0005351) that will be inspected in 2009. All other CalARP facility inspections are up to date until at least November 2009.

Cal/EPA's 1st Response: Cal/EPA and OES consider this deficiency corrected.

5. **Deficiency:** The CUPA is not requiring the facility owners/operators to complete the amended UST forms A, B, and D. The CUPA only requires the forms to be changed if the forms are absent in the file. Some of the plot plans in the files reviewed were absent or did not have all of the required information. Since the new forms gather new information that is required to be collected, it is important for the new forms to be completed when they are amended in regulation. The UST forms are required to be submitted for initial permits and renewal permits and when information changes. The new forms can be provided to facility owners/operators during their annual inspections.

Preliminary Corrective Actions: By September 1, 2009, the CUPA will require all facility owners/operators to complete new UST forms A, B, and D (including plot plans).

CUPA's 1st Update (11-17-08): In October 2008, the CUPA sent out letters to all active UST facilities in Yolo County requesting that the facilities update their forms A, B, and D by December 2008. In addition, we are reminding facilities to update these forms during routine annual inspections.

Cal/EPA's 1st Response: Please refer to SWRCB's response.

- **SWRCB's Response:** The SWRCB evaluator is pleased with the method and progress of the CUPA for correcting this deficiency. Please provide information on the number of facilities completing the request for updated forms in your next progress report.

CUPA's 2nd Update (3-20-09): Of the 107 facilities that we sent form update requests to, 45 have complied fully, 28 have complied partially, and 34 have not responded at all. YCEH will continue to work towards getting all facilities forms updated, and we will initiate enforcement against those facilities that fail to comply. The Facilities have already been warned.

Cal/EPA's 2nd Response: Please refer to SWRCB's response.

- **SWRCB's Response:** The SWRCB evaluator is pleased with the method and progress of the CUPA for correcting this deficiency. Please continue to report the number of facilities completing the request for updated forms in your next progress report.

CUPA's 3rd Update (6-19-09): Updated forms are continuing to trickle in to the CUPA. In early June 2009 we sent out final warning letters to 30 UST facilities that had not fully complied by providing updated forms. We plan to pursue enforcement against facilities that do not comply by August 1, 2009.

Cal/EPA's 3rd Response: Please refer to SWRCB's response.

- **SWRCB's Response:** The State Water Board staff is pleased with the method and progress of the CUPA for correcting this deficiency. Please report on the number of facilities completing the request for updated forms and your enforcement against recalcitrant facilities in your next progress report.

CUPA's 4th Update (1-28-10): There are still approximately 5 to 10 UST facilities that have not fully complied with the request for updated A, B, and D forms, and an updated map. Most of these made an effort to comply, but their submittal is incomplete. Non-compliant facilities are currently being contacted by inspectors, notified of the deficiency, and are being given one last opportunity to comply. Facilities that fail to comply will receive an AEO with penalties in March 2010.

Cal/EPA's 4th Response: Cal/EPA appreciates the effort put forth to correct this deficiency. Please provide the number of UST facilities that have completed the new UST forms. Please refer to SWRCB's response.

- **SWRCB's Response:** The State Water Board staff is pleased with the method and progress of the CUPA for correcting this deficiency. Please report on the number of facilities completing the request for updated forms and your enforcement against recalcitrant facilities in your next progress report.

CUPA's 5th Update (6-11-10): All UST facilities have submitted updated A, B, and D forms, except for those stations that have been illegally abandoned and lack valid permits. All unpermitted stations have been issued AEO's or have been referred for civil prosecution. No additional action is planned for this deficiency.

Cal/EPA's 5th Response: Cal/EPA and the SWRCB appreciate the effort the CUPA made to secure updated forms from all permitted facilities. This deficiency is corrected.

6. **Deficiency:** During the Hazardous Waste Generator oversight inspection, DTSC found that the CUPA inspector was not familiar with the requirements under HSC 25200.3.1 for laboratories.

Preliminary Corrective Actions: This deficiency was corrected before the end of the inspection.